

## **DECLARATION UNDER PENALTY OF PERJURY OF BURTON RICHARDSON**

Burton Richardson under penalty of perjury, deposes and states as follows:

1. My name is Burton Richardson. I am making this declaration for submission to the United States District Court for the District of Hawaii in the case of *James Grell and Andrew Teter v. Clare E. Connors, in her official capacity as Attorney General of the State of Hawaii and Al Cummings, in his official capacity as the State Sheriff Division Administrator.*

2. I am a competent adult over the age of 18 and have personal knowledge of the following facts.

3. I am an expert on the balisong knives and knfe fighting due to decades of training with knives and other martial arts as fully explained in my attached CV.

4. The balisong knife was developed on the island of Luzon, Philippines in the province of Taal/Batangas. There is a barangay (neighborhood) in Batangas by the name of Balisong, which is where this unique knife is assumed to have been created. There are varying accounts as to the time line, with some claiming that the design was created over a thousand years ago. But certainly, its presence is well documented throughout the 20th century and the epicenter of production is in Batangas.

When entering Batangas coming from Manila, you quickly come across little roadside stores similar to country fruit stands. But the merchants in Batangas are selling butterfly knives instead of mangoes. It is a local industry which the Batangeunos are very proud of.

The design is ingenious. Instead of having a folding knife which needs two hands to open or a fixed blade that needs a sheath, the sheath and handle are one. The handles encase and protect the blade and the user from accidents while allowing the knife to be opened with one hand. This attribute is important in self-defense as drawing with one hand is essential while the other hand will be occupied warding off attacks. A tool knife rarely requires a one handed opening except for convenience. To open, a latch is unlocked and

one of the handles is pinched. With a circular movement of the wrist and arm, the other handle rotates around and into position while exposing the blade. The handles are grasped together and the knife is ready for various levels of defensive action.

#### Defensive purposes/three levels of force

A big advantage to the balisong is that the knife can be used in along several levels of force. The first level is the flourish, where no physical contact with the assailant is made. When sufficiently threatened, the balisong user can produce the knife and go through a routine of opening and closing the knife in a very impressive manner. This flourishing is designed to intimidate and dissuade the aggressor from pursuing a physical altercation.

I grew up in the city of Carson, California which had a very large Filipino population. Around 1982, my sister was working at a park a quarter mile from my house. Four Filipinos in their late teens, who had just arrived recently in the states, were playing basketball on the outdoor court. A group of very large Polynesian kids of about the same age started playing on the other end of the court. It didn't take long for the larger boys to start bullying the small newcomers. "FOB" was a common epithet hurled at newly arrive Filipinos, and the big guys used that and others to intimidate their diminutive prey. My sister saw what was going on and was headed over to put an end to it when one of the bullies shoved one of the Filipinos. The small guys all jumped back and pulled their balisongs. They flourished them and the big guys had run off before my sister could get to the court. This is a great example of how the balisong can be used as a deterrent instead of going directly to deadly force. The next level of force is keeping the balisong closed in order to use it as a small striking or locking stick. This method is described in the book "Balisong- Iron Butterfly" (Dragon Books, 1985) by balisong master Cacoy Hernandez. In the introduction, he refers to his balisong as a "deterrent".

One incident illustrates the "Less lethal" option integrated into the balisong. In the book

Balisong- Iron butterfly, the author recounts the time he saw his instructor attacked with a machete on the docks n Manila. The master stepped in and struck the attacker with the butt of the balisong, dropping the aggressor. He countered a machete attack without using the blade of his balisong. This illustrates the defensive nature of the butterfly knife without any cutting.

Mr. Hernandez did cite times when he had to go to a higher level of force, utilizing the blade itself. But every single situation described was defensive. Never did the knife come out prior to an aggressor's formidable attack.

In Batangas, the birthplace of the butterfly knife, the use of the balisong is commonly taught to women for self-defense. Whenever I am in the Philippines I strike up conversations with local people hoping to find someone who is trained in the Filipino martial arts. I have gleaned great information and insight from such impromptu interviews from taxi drivers, clerks, and even from a lawyer.

During one visit, I questioned a young lady who was my waitress in an empty restaurant. I learned that she was from Batangas so I asked if she had learned to use the balisong. Sheepishly, she replied “My father taught me, but just a little”. After some coaxing, I handed her a butter knife and got her to demonstrate her methods of self-defense on me. I approached from the front, but she said, “No, grab me from behind.” I obliged and she suddenly turned, made one lightening quick non-lethal strike, and escaped. On further questioning, she made it clear that what she learned to use the balisong in a defensive nature against an abduction attempt. The goal was to use the balisong to create an opening to escape, not to take someone’s life.

### Speed of opening

The beauty of the balisong as a self-defense implement is that it can be used at various levels of the force continuum. The downside is that because of its design, it has the slowest speed of opening of any modern self-defense knife.

Here are the steps required to draw and open a balisong compared to opening the most popular type of folding knife that has the “wave opening” feature constructed into the knife. (The wave opening feature is a hook or protuberance which snags on the pocket as the knife is pulled out. This results in the blade opening as soon as the handle clears the pocket.)

The balisong does not clip to the top of a pocket, but instead resides at the bottom of the carrier’s pocket. To go from a concealed carry to having the blade in a useable state requires to following steps pocket:

- 1- thrust hand deep into a pocket
- 2- grasp the unit
- 3- pull the hand completely out of the pocket.
- 4- feel the for the latch and rotate the still closed unit until it is in the proper orientation for opening.
- 5- use the pinky or thumb (depending upon orientation) to open the latch.
- 6- pinch one handle between the thumb and forefinger so the other handle is free to move. (This is a very precarious grip in a chaotic self-defense situation which leaves the defender susceptible to dropping the knife.)

7- make a circular motion with the hand and wrist to allow the free handle to rotate to the open position. The most common opening involves 3 distinct circular motions to get the knife open. There are lesser known methods that enable the opening in one motion.

8- With the handles now touching, the finger pinch grip transitions to a full finger grasp around both handles.

9- To ensure that the open balisong is as sturdy as possible, the latch needs to be closed. This involves using the thumb to find and manipulate the latch into the locked position when the balisong is held in reverse grip. When held in standard grip, the free hand must be used to close the latch.

Opening a standard, modern “wave opening” pocket knife has fewer steps and is therefore much faster to deploy. Most pocket knives have a clip so that the knife can be just inside the top of the pocket for easy access. Many pocket knives have the wave opening, a hook or protrusion that snags the lining of the pocket so that the blade opens as the handle is pulled clear of the pocket. The steps to opening are:

1- reach the thumb just inside of the pocket along the handle while the middle and/or finger rests along the clip outside the pocket.

2- pinch to grasp the handle.

3- pull the unit out allowing the hook to snag the pocket lining. By the time the handle has cleared the pocket, the blade is open and locked into place.

4- adjust the grip to have a firm grasp on the handle.

Pocket knives which do not have a hook or protrusion to facilitate the opening often have a circular opening at the top of the blade. In that case, after step 3 the thumb and index finger pinch together in the hole and a snapping motion is made to send the handle away from the blade and into the locked position. Then the transition to a full grip is performed.

The balisong has a long history as a defensive implement. When I first started learning it in the late 70's, it was always for that purpose; never as an offensive weapon. The balisong is taught in a manner of starting at the lowest level of force, flourishing to dissuade an attack, then moves to striking with the closed handle as a less lethal option, then escalates to using the edge or point when absolutely necessary, and morally and legally justified. In my opinion, the balisong is the most humane self-defense knife there is because of the ability to use various levels of force. I believe that it should be made available to anyone interested in self-protection.

5. I live in Hawaii where there is a ban on switch blades and butterfly (Filipino “balisong”) knives. Apparently, the reasoning behind these bans is that these types of knives are inherently more dangerous than other legal folding knives due to their rapid, one-hand deployment.

6. I wondered if this distinction was accurate, so I tested the speed of presentation of five different blades: a Benchmade switch blade, a butterfly knife, a Spyderco Delica 4, a Cold Steel “Espada”, and a common pocket knife.

7. The switch blade was legally owned by a military officer. The butterfly knife was a legal, dull-edged training version, while the others are legal to carry in Hawaii. To deploy a folding knife, one must first pull the blade from a pocket or carrying system before unfolding the knife.

8. The old argument is that a switch blade or balisong is too dangerous to be entrusted to the public because a citizen can pull and quickly open the blade with one hand. But do these two actually have a decisive advantage on speed of deployment? To test the speeds, I started with the knife in my pocket and my hand grasping the knife in a manner conducive to opening.

9. The person timing gave the command “draw” while pushing the start button on the stopwatch. The timer hit stop after the blade clicked into the locked position. In reality, a little extra time would be required to achieve a functional grip, but just timing until the locked position was empirically more accurate since the timer would have to visually judge when a proper grip was achieved. Please note that there is certainly some variance due to the impossibility of having the exact same draw stroke each time, but that variance is minimal.

10. I did only four draws for each knife as I found that the difference per draw was very slight. Also, I did not go at absolute full speed. I did smooth, efficient draw.

11. Here are the draw times for each knife, starting in the pocket with my hand on the knife and ending when the blade was open and locked in place:

Switch Blade 0.9, 1.0, 0.9, 1.0 Average = 0.95 seconds

Butterfly knife 1.3, 1.4, 1.2, 1.5 Average = 1.35 seconds

Spyderco 0.9, 0.9, 1.0, 0.9 Average = 0.925 seconds

Cold Steel "Espada" 0.5, 0.7, 0.6, 0.6 Average = 0.6 seconds

Pocket Knife 1.0, 0.9, 1.0, 0.9 Average = 0.95 seconds

12. The Cold Steel "Espada" was by far the fastest. This was due to the "thumb plate" that can catch on the pocket hem so that the blade opens as the knife is pulled. Very quick and legal.

13. The Spyderco was second fastest. It has a ring at the top of the blade which is grasped between the thumb and forefinger. As soon as the knife clears the pocket a snap of the wrist locks opens the blade. Very fast and legal.

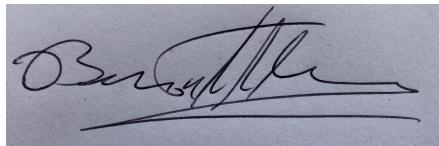
14. The switch blade and the pocket knife tied for third. The pocket knife I used did have a stud in the blade so that one can push the blade open with thumb as the blade clears. The switch blade needs to be taken all the way out of the pocket before depressing the button to pop open the knife.

15. Slowest by far is the much-maligned butterfly knife. I started with the lock open and pinched between my thumb and forefinger for the quickest type of butterfly knife draw. I drew the knife, snapped down and up, the handle swung out and upward into my hand, so I ended with a reverse grip. This is quicker than the more common 3-count opening that most people use. For fun, I timed the 3-count opening and got an average of 1.45 seconds.

The above declaration, given under penalty of perjury, is true and correct to the best of my knowledge information and belief.

Executed: (Oahu, Hawaii)

Dated: April 10, 2019.

A handwritten signature in black ink, appearing to read "Brian D. Miller".

